



General Assembly

Substitute Bill No. 434

January Session, 2013



AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-60u of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding any other provision of the general statutes, the
4 Secretary of the Office of Policy and Management may authorize any
5 state agency to enter into agreements with private and nonprofit
6 entities to facilitate the public's utilization of government services and
7 programs electronically. Any agency seeking authorization to enter
8 into such an agreement shall select entities to participate in such
9 agreements on the basis of competitive bidding or competitive
10 negotiation prior to seeking such authorization. Each such agency shall
11 provide notice of such solicitation for competitive bids or request for
12 proposals in a form and manner that the secretary determines will
13 maximize public participation in the competitive bidding or
14 competitive negotiation process. Under such agreements, the state may
15 allow entities to collect any applicable statutory or regulatory fees
16 owed to the state and to remit such amounts as defined in statute. The
17 agreement also may allow an entity to charge an administrative fee,
18 [which shall be deposited into the General Fund,] provided any
19 administrative fee to utilize a government service or program

20 electronically is approved by the Finance Advisory Committee before
21 it is imposed.

22 (b) Any such agreement authorized under this section shall comply
23 with the provisions of chapter 14 and shall ensure the public retains
24 the ability to access government services and programs using
25 nonelectronic means. The secretary shall not authorize any agreement
26 that adversely affects the ability of individuals to apply for or receive
27 assistance or benefits from the Department of Social Services.

28 Sec. 2. Section 4a-59a of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective July 1, 2013*):

30 (a) No state agency may extend a contract for the purchase of
31 supplies, materials, equipment or contractual services which expires
32 on or after October 1, 1990, and is subject to the competitive bidding
33 requirements of subsection (a) of section 4a-57, without complying
34 with such requirements, unless [(1)] the Commissioner of
35 Administrative Services makes a written determination, supported by
36 documentation, that [(A)] (1) soliciting competitive bids for such
37 purchase would cause a hardship for the state, [(B)] (2) such
38 solicitation would result in a major increase in the cost of such
39 supplies, materials, equipment or contractual services, or [(C)] (3) the
40 contractor is the sole source for such supplies, materials, equipment or
41 contractual services. [, (2)] Except in the case where the contractor is
42 the sole source as set forth in subdivision (3) of this subsection, the
43 commissioner [solicits] shall solicit at least three competitive
44 quotations in addition to the contractor's quotation, and [(3) the
45 commissioner makes] shall make a written determination that no such
46 competitive quotation which complies with the existing specifications
47 for the contract is lower than or equal to the contractor's quotation.
48 Any such contract extension shall be based on the contractor's
49 quotation. No contract may be extended more than two times under
50 this section.

51 (b) Notwithstanding the provisions of subsection (a) of this section,

52 the Commissioner of Administrative Services may, for a period of up
53 to one year from the date such contract would otherwise expire, (1)
54 extend any contract in effect on May 1, 2005, with a value of fifty
55 thousand dollars or more per year, to perform any of the following
56 services for the state: Janitorial, building maintenance, security and
57 food and beverage, [Any] provided any such extension shall include
58 any applicable increase in the standard wage and the payroll burden to
59 administer the standard wage, as established by the Labor
60 Department, or (2) extend an existing contract if the commissioner
61 certifies in writing that failure to provide such extension would
62 compromise the continuity of state agency systems or operations.

63 Sec. 3. Section 4-61u of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective July 1, 2013*):

65 (a) Under the supervision of the Commissioner of Administrative
66 Services, all departments and agencies of state government shall
67 establish an effective program of career mobility as part of their
68 affirmative action program, as required by section 46a-68, for
69 occupational groups, which shall include, but not be limited to,
70 secretarial, clerical, supervisory clerical, semiskilled, crafts and trades,
71 supervisory crafts and trades, custodial, supervisory custodial and
72 laborers. All departments and agencies of state government shall
73 provide, or make provision for, career counseling for such
74 occupational groups. All departments and agencies shall make
75 available to state employees a range of training opportunities. In
76 geographically remote areas [, as defined by the Committee on Career
77 Entry and Mobility,] where programs are not generally available,
78 departments and agencies shall enter into cooperative arrangements or
79 take other appropriate actions to assure that training opportunities are
80 provided to employees in those areas. All departments and agencies
81 shall, consistent with the requirements of the State Personnel Act,
82 initiate classification requests that would result in the development of
83 career ladders and lattices providing career mobility within and
84 between occupational groupings, and from subprofessional jobs to

85 professional and managerial jobs. All departments and agencies of
86 state government shall establish as part of their affirmative action
87 plans, specific annual goals and timetables on the number of classes in
88 entry level professional, managerial and administrative positions,
89 which shall include, but are not limited to, law enforcement, field
90 representation, administrative staff, professional, subprofessional or
91 technical jobs that are to be filled through career mobility.

92 (b) Under the supervision of the Commissioner of Administrative
93 Services, each department and agency of state government shall
94 establish an effective program of accommodation and entry level
95 training of persons with disabilities. Such programs shall be part of
96 department and agency affirmative action programs required by
97 section 46a-68. All departments and agencies shall make a range of
98 training opportunities available to such persons. In geographically
99 remote areas [, as defined by the Committee on Career Entry and
100 Mobility,] where programs are not generally available, departments
101 and agencies shall enter into cooperative arrangements or take other
102 appropriate actions to assure that training opportunities are provided
103 to such persons in those areas. All departments and agencies of state
104 government shall establish, as part of their affirmative action plans,
105 specific annual goals and timetables on (1) the number of jobs that are
106 to be filled through the accommodation of persons with disabilities
107 and (2) entry level training for such persons.

108 Sec. 4. Section 4-61w of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective July 1, 2013*):

110 In implementing the provisions of [sections 4-61t and] section 4-61u,
111 as amended by this act, and this section, each department or agency
112 shall insure that the ethnic and sex composition of employees
113 participating in the career mobility program shall be consistent with
114 the regulations for affirmative action of the Commission on Human
115 Rights and Opportunities.

116 Sec. 5. Section 4-61aa of the general statutes is repealed and the

117 following is substituted in lieu thereof (*Effective July 1, 2013*):

118 (a) For purposes of this section, "state Americans with Disabilities
119 Act coordinator" means the person appointed by the Governor to
120 coordinate state compliance with the federal Americans with
121 Disabilities Act of 1990. There is established a committee to [encourage
122 the employment by the state of persons with disabilities] advise the
123 state Americans with Disabilities Act coordinator. The [Commissioner
124 of Administrative Services] state Americans with Disabilities Act
125 coordinator shall appoint the members of the committee, which shall
126 be chaired by [such commissioner] said coordinator, or his designee,
127 and include at least one representative of each of the following:

- 128 (1) The Board of Education and Services to the Blind;
- 129 (2) The Commission on the Deaf and Hearing Impaired;
- 130 (3) The Department of Rehabilitation Services; [.]
- 131 (4) The Office of Protection and Advocacy for Persons with
132 Disabilities;
- 133 (5) The Department of Mental Health and Addiction Services;
- 134 (6) The Department of Developmental Services; [and]
- 135 (7) The Labor Department;
- 136 (8) The Department of Construction Services; and
- 137 (9) The Commission on Human Rights and Opportunities.

138 [(b) The committee shall:

- 139 (1) Advise, and develop written guidelines for, the Commissioner of
140 Administrative Services and the executive heads of other state agencies
141 regarding the adaptation of employment examinations and alternative
142 hiring processes for, and the reasonable accommodation of, persons

143 with disabilities; and

144 (2) Review the program established under subsection (b) of section
145 4-61u and compliance with the provisions of section 46a-70 concerning
146 persons with physical disabilities.]

147 (b) The committee shall, upon request of the state Americans with
148 Disabilities Act coordinator, advise said coordinator regarding the
149 employment by the state of individuals with disabilities and on
150 measures the state may take to fulfill its other obligations under the
151 Americans with Disabilities Act, including, but not limited to, the
152 state's obligations as a provider of public services and a place of
153 accommodation.

154 Sec. 6. Section 4-158 of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective July 1, 2013*):

156 (a) The Claims Commissioner may (1) order that a claim be denied
157 or dismissed, (2) order immediate payment of a just claim in an
158 amount not exceeding [seven thousand five hundred] twenty
159 thousand dollars, (3) recommend to the General Assembly payment of
160 a just claim in an amount exceeding [seven thousand five hundred]
161 twenty thousand dollars, or (4) authorize a claimant to sue the state, as
162 provided in section 4-160.

163 (b) Any person who has filed a claim for more than [seven thousand
164 five hundred] twenty thousand dollars may request the General
165 Assembly to review a decision of the Claims Commissioner (1)
166 ordering the denial or dismissal of the claim pursuant to subdivision
167 (1) of subsection (a) of this section, including denying or dismissing a
168 claim that requests permission to sue the state, or (2) ordering
169 immediate payment of a just claim in an amount not exceeding [seven
170 thousand five hundred] twenty thousand dollars pursuant to
171 subdivision (2) of subsection (a) of this section. A request for review
172 shall be in writing and filed with the Office of the Claims
173 Commissioner not later than twenty days after the date the person

174 requesting such review receives a copy of the decision. The filing of a
175 request for review shall automatically stay the decision of the Claims
176 Commissioner.

177 (c) The Claims Commissioner shall submit each claim for which a
178 request for review is filed pursuant to this section to the General
179 Assembly pursuant to section 4-159, as amended by this act.

180 (d) If the Claims Commissioner orders immediate payment of a just
181 claim in an amount not exceeding [seven thousand five hundred]
182 twenty thousand dollars pursuant to subdivision (2) of subsection (a)
183 of this section and a request for review is not timely filed pursuant to
184 subsection (b) of this section, the Office of the Claims Commissioner
185 shall deliver to the Comptroller a certified copy of the Claims
186 Commissioner's order and the Comptroller shall make payment from
187 such appropriation as the General Assembly may have made for the
188 payment of claims or, in the case of contractual claims for goods or
189 services furnished or for property leased, from the appropriation of the
190 agency which received such goods or services or occupied such
191 property.

192 (e) Whenever the Claims Commissioner deems it just and equitable,
193 the Claims Commissioner may, at any time prior to the submission of a
194 claim to the General Assembly pursuant to subsection (a) of section 4-
195 159, as amended by this act, vacate the decision made pursuant to
196 subsection (a) of this section and undertake such further proceedings
197 in accordance with this chapter as the Claims Commissioner may, in
198 his or her discretion, deem appropriate.

199 (f) Not later than five days after the convening of each regular
200 session, the Claims Commissioner shall report to the General
201 Assembly on all claims decided pursuant to this section.

202 Sec. 7. Section 4-159 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective July 1, 2013*):

204 (a) Not later than five days after the convening of each regular

205 session and at such other times as the speaker of the House of
206 Representatives and president pro tempore of the Senate may desire,
207 the Claims Commissioner shall submit to the General Assembly (1) all
208 claims for which the Claims Commissioner recommended payment of
209 a just claim in an amount exceeding [seven thousand five hundred]
210 twenty thousand dollars pursuant to subdivision (3) of subsection (a)
211 of section 4-158, as amended by this act, and (2) all claims for which a
212 request for review has been filed pursuant to subsection (b) of section
213 4-158, as amended by this act, together with a copy of the Claims
214 Commissioner's findings and the hearing record of each claim so
215 reported.

216 (b) The General Assembly shall:

217 (1) With respect to a decision of the Claims Commissioner ordering
218 the denial or dismissal of a claim pursuant to subdivision (1) of
219 subsection (a) of section 4-158, as amended by this act:

220 (A) Confirm the decision; or

221 (B) Vacate the decision and, in lieu thereof, (i) order the payment of
222 the claim in a specified amount, or (ii) authorize the claimant to sue the
223 state;

224 (2) With respect to a decision of the Claims Commissioner ordering
225 the immediate payment of a just claim in an amount not exceeding
226 [seven thousand five hundred] twenty thousand dollars pursuant to
227 subdivision (2) of subsection (a) of section 4-158, as amended by this
228 act:

229 (A) Confirm the decision;

230 (B) Modify the decision by ordering that a different amount be paid;
231 or

232 (C) Vacate the decision and, in lieu thereof, (i) order no payment be
233 made, or (ii) authorize the claimant to sue the state;

234 (3) With respect to a decision of the Claims Commissioner
235 recommending payment of a just claim in an amount exceeding [seven
236 thousand five hundred] twenty thousand dollars pursuant to
237 subdivision (3) of subsection (a) of section 4-158, as amended by this
238 act:

239 (A) Accept the recommendation and order payment of the specified
240 amount;

241 (B) Modify the recommendation by ordering that a different amount
242 be paid; or

243 (C) Reject the recommendation and, in lieu thereof, (i) order no
244 payment be made, or (ii) authorize the claimant to sue the state; or

245 (4) With respect to a decision of the Claims Commissioner pursuant
246 to subdivision (1), (2) or (3) of subsection (a) of section 4-158, as
247 amended by this act, remand the claim to the Claims Commissioner for
248 such further proceedings as the General Assembly may direct.

249 (c) The General Assembly may grant the claimant permission to sue
250 the state under the provisions of this section when the General
251 Assembly deems it just and equitable and believes the claim to present
252 an issue of law or fact under which the state, were it a private person,
253 could be liable.

254 (d) If the General Assembly orders the payment of a claim, the
255 Office of the Claims Commissioner shall deliver to the Comptroller a
256 notice of the order and the Comptroller shall make payment in the
257 manner prescribed for payment of an order of the Claims
258 Commissioner pursuant to section 4-158, as amended by this act.

259 (e) The review by the General Assembly of claims submitted to it by
260 the Claims Commissioner under this section shall be conducted in
261 accordance with such procedures as the General Assembly may
262 prescribe.

263 Sec. 8. Subsection (a) of section 19a-24 of the general statutes is
 264 repealed and the following is substituted in lieu thereof (*Effective July*
 265 *1, 2013*):

266 (a) Any claim for damages in excess of [seven thousand five
 267 hundred] twenty thousand dollars on account of any official act or
 268 omission of the Commissioner of Public Health or the Commissioner
 269 of Developmental Services or any member of their staffs, any member
 270 of the Council on Tuberculosis Control, Hospital Care and
 271 Rehabilitation, the Council on Developmental Services or either of the
 272 boards of trustees of the state training schools or any member of any
 273 regional advisory and planning council or any superintendent,
 274 director, employee or staff member of any chronic disease hospital or
 275 state training school or state developmental services region shall be
 276 brought as a civil action against the commissioners in their official
 277 capacities and said commissioners shall be represented therein by the
 278 Attorney General in the manner provided in chapter 35. Damages
 279 recovered in such action shall be a proper charge against the General
 280 Fund of the state and shall be paid in the manner provided in section
 281 3-117. Any such claim for damages not in excess of [seven thousand
 282 five hundred] twenty thousand dollars shall be presented to the
 283 Claims Commissioner in accordance with chapter 53 if such claim is
 284 otherwise cognizable by the Claims Commissioner.

285 Sec. 9. Sections 4-61t and 4a-55 of the general statutes are repealed.
 286 (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-60u
Sec. 2	<i>July 1, 2013</i>	4a-59a
Sec. 3	<i>July 1, 2013</i>	4-61u
Sec. 4	<i>July 1, 2013</i>	4-61w
Sec. 5	<i>July 1, 2013</i>	4-61aa
Sec. 6	<i>July 1, 2013</i>	4-158
Sec. 7	<i>July 1, 2013</i>	4-159

Sec. 8	<i>July 1, 2013</i>	19a-24(a)
Sec. 9	<i>July 1, 2013</i>	Repealer section

GAE *Joint Favorable Subst.*